

Medway Council
MEETING OF MEDWAY COUNCIL
Thursday, 15 April 2010
7.00pm to 9.13pm

RECORD OF THE MEETING

PRESENT: The Mayor (Councillor Royle)
The Deputy Mayor (Councillor Kemp)
Councillors Andrews, Avey, Baker, Kenneth Bamber,
Janice Bamber, Bhutia, Bowler, Brake, Bright, Burt, Carr,
Rodney Chambers, Mrs Diane Chambers, Chishti, Chitty,
Clarke, Doe, Esterson, Etheridge, Filmer, Gilry, Goulden,
Val Goulden, Griffin, Griffiths, Gulvin, Harriott, Haydock, Hewett,
Hicks, Hubbard, Jarrett, Juby, Sheila Kearney,
Stephen Kearney, Mackinlay, Maisey, Maple, Mason, O'Brien,
Reckless, Shaw, Smith, Stamp, Sutton and Wildey

In Attendance:	Neil Davies	Chief Executive
	Rose Collinson	Director of Children and Adults
	Robin Cooper	Director of Regeneration, Community and Culture
	Mick Hayward	Chief Finance Officer
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Deborah Upton	Assistant Director, Housing and Corporate Services
	Simon Wakeman	Marketing and Public Relations Manager
	Julie Keith	Head of Democratic Services
	Teri Hemmings	Overview and Scrutiny Co-ordinator

735 RECORD OF MEETINGS

The record of the meetings on 25 February and 4 March 2010 were signed by the Mayor as correct, subject to the 25 February 2010 record being amended at paragraph 2 of the proposal move by Councillor Jarrett and in minute number 629(A)(b). The figure stated in both these paragraphs should have read £379.947 million, instead of £381.058 million.

736 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crack, Godwin, Hunter, Murray, Ruparel and Wicks.

737 DECLARATIONS OF INTEREST

Councillor O'Brien declared a personal interest in any reference to the NHS because some members of his family are employed by the NHS.

Councillor Griffiths declared a personal interest in any discussion that may take place during the course of the meeting with reference to NHS Medway because he is a non-executive director of the Trust and concerning Danecourt School, as his wife is an employee there.

Councillor Stamp declared a personal interest in item 12(H) – Gateway 3 Contract Award: Household Waste Collection and Disposal contracts – as he works for the Environment Agency who regulated some of the facilities being used.

Councillor Filmer declared a personal interest in item 12(H) – Gateway 3 Contract Award: Household Waste Collection and Disposal contracts – as his company had carried out work for one of the tenders in 2008 and if the opportunity arose to tender, would do so again. Despite his interest being personal in nature, he stated that the decision on this item was significant and he wished to ensure that there would be no suggestion of partiality on his part. Therefore, he declared that he would leave the room for the debate on that item.

738 MAYOR'S ANNOUNCEMENTS

The Mayor announced that Councillor Crack's wife had sadly died earlier that day after a long illness and, on behalf of all Members, would send the Council's condolences to Councillor Crack and his family.

The Mayor announced he proposed to make item 12(H) the last item of business as the Council may need to discuss the matter in closed session. This was agreed.

Members were reminded that a written copy of amendments to any proposal should be provided to the Head of Democratic Services.

Members were also reminded that Council meetings are recorded to assist with producing an accurate record of supplementary questions and answers to questions.

739 LEADER'S ANNOUNCEMENTS

There were none.

740 TO RECEIVE PETITIONS

The following petitions were received and referred to the appropriate Director:

Councillor Griffiths presented a petition containing 756 signatures requesting traffic calming measures to be provided in Mierscourt Road, Rainham.

Councillor Rodney Chambers presented a petition containing 63 signatures requesting the re-instatement of the red tarmac surface in the four cul-de-sac closes within The Everglades that were unilaterally and poorly covered in an unacceptable black microfinish by contractors working on behalf of the Council's Highways Department.

Councillor Maple presented a petition containing 38 signatures requesting, following recent incidents in the local area, the introduction of road calming measures in Dale Street and work with partners to increase uniformed presence in Dale Street and surrounding area.

741 PUBLIC QUESTIONS

(A) **Allan Sneller of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

"Many secondary school pupils, from the age of 11, are forced to spend three hours of their day (in addition to the school day) commuting via a series of buses from St Mary's Island. Is the Portfolio Holder aware of this, and if so, does he not agree that better school transport provision from St Mary's Island is required to improve our children's welfare and safety?"

The Portfolio Holder for Front Line Services, Councillor Filmer responded that he was aware of the concerns raised by residents of the existing bus service from St Mary's Island.

He stated that although children travelling from St Mary's Island have to change buses at either Chatham bus station or railway station, generally, it should be possible to reach school within an hour with one change of bus. However, the Council was exploring ways in which school bus links from St Mary's Island might be improved and this had been added to the list for tenderers for the next academic year so bus operators can consider providing a direct service from St Mary's Island. Unfortunately, previously, bus operators had not shown any interest in providing a direct link but the Council would continue to work with them on provision.

Mr Sneller referred to the under spend on the half price travel subsidy for young people last year and asked the Portfolio Holder if he could give a commitment to diverting these funds towards supporting a procurement process to solve the problem.

Councillor Filmer responded that although there was an under spend on the half price bus fares for young people, the budget spent on subsidising other bus

Council, 15 April 2010

routes was up to £1m. This was on buses for work related routes, rather than social evening use. Therefore a large proportion of the money had been used to ensure people were able to get to work. He again undertook to continue exploring possibilities to make improvements to bus routes for the school children on St Mary's Island.

742 LEADER'S REPORT

Members debated the Leader's report, which consisted of the following issues:

- The Modern Pentathlon World Cup which had been held at Medway Park
- The Making of Medway Conference which had been held in March to debate the area's future
- The 150th anniversary of the Cadet movement at Rochester Cathedral which was to be hosted by Medway Council on 8 May 2010
- A letter from the Minister of State for Children, Young People and Families which congratulated the Council on its progress in tackling teenage pregnancy and improving the provision of its Child and Adolescent Mental health Service (CAMHS)
- The playbuilder year 2 sites
- The closure of St John's Church of England Voluntary Controlled Infants School
- Funding for the new school building at Walderslade Primary School
- Results of the key performance indicators at quarter 3 of the Council Plan Monitoring
- Occupational Health Service to the Council

743 OVERVIEW AND SCRUTINY ACTIVITY

Members received and debated a report on overview and scrutiny activities.

The following issues were discussed during the debate:

- Public transport corridor project at Strood riverside
- Occupancy of shops at Dockside outlet centre
- Parking for students at the student accommodation in Gillingham waterfront

744 TO CONSIDER ANY QUESTIONS ON NOTICE FROM MEMBERS

(A) Councillor Crack's question for the Leader of the Council, Councillor Rodney Chambers was withdrawn.

(B) Councillor Juby asked the Portfolio Holder for Community Safety and Enforcement, Councillor Chishti, the following:

“Will the Portfolio Holder for Community Safety and Enforcement tell Council how many enforcement notices have been served in the Gillingham Alcohol Control Zone since it started and could he explain what the policy is on signage for the ACZ?”

The Portfolio Holder for Community Safety and Enforcement, Councillor Chishti, responded that since the Alcohol Control Zone had been introduced there had been seven incidents regarding drinking within the zone which had been dealt with by Medway Police, with a much larger number of lower scale interventions where numbers were not recorded. The signage for the control zone follows legal guidance and there are 24 signs in Gillingham which are on the main routes into the zone.

He stated that greater action was needed to address alcohol related anti-social behaviour as Alcohol Control Zones were not the only solution. He felt that more police officers were needed on the streets of Gillingham and Rainham, along with better policies to address alcohol related anti-social behaviour and help improve safety for residents.

Councillor Juby then explained that he had correspondence from the police which stated that they would enforce the zone more if there was more signage. He asked Cllr Chishti what he would do about this.

Councillor Chishti responded that the signage was compliant with legislation and that in relation to increased enforcement, this would be possible with an increase in police officer presence on the streets.

745 NOMINATION OF MAYOR AND DEPUTY MAYOR FOR 2010/2011

Councillor Carr, supported by Councillor Griffin, proposed that Councillor Brake be nominated as the Mayor of Medway for 2010/2011 the municipal year.

On being put to the vote this nomination was agreed.

Councillor Chishti, supported by Councillor Kemp, proposed that Councillor Hewett be nominated as the Deputy Mayor of Medway for the 2010/2011 municipal year.

On being put to the vote this nomination was agreed.

746 REPORTS OF MATTERS FOR FULL COUNCIL

(A) Medway Sustainable Community Strategy 2010-2026 (Policy Framework)

Discussion:

The report sought approval of the Medway Sustainable Community Strategy 2010-2026. Members were informed of one correction which was that the 640 student residential units had been completed in Gillingham and not Chatham Maritime as stated in the strategy.

Councillor Janice Bamber, supported by Councillor Rodney Chambers, proposed the recommendation as set out in the report, subject to that correction being made to the strategy.

Decision:

The Council approved the Sustainable Community Strategy, as set out at Appendix A to the report, and the outline Action Plan, as set out at Appendix C to the report, subject to the strategy being amended to state that the 640 student residential units had been completed in Gillingham.

(B) Rochester Riverside Management Company

Discussion:

The report sought approval for the structure of the proposed Rochester Riverside Management Company and for the level of influence of Medway Council within the Structure.

Councillor Rodney Chambers, supported by Councillor Jarrett, proposed the recommendations as set out in the report.

Decision:

The Council:

- (a) approved the proposed two tier structure for the Rochester Riverside Management Company and the funding arrangements for the Rochester Riverside Trust;
- (b) agreed that the level of local authority control in the Rochester Riverside Trust is less than 20% so that it can more easily achieve its charitable status and that the level of control in the Community Interest Company is also less than 20%;
- (c) noted the programme of Council approvals required prior to establishing the Management Company;

Council, 15 April 2010

- (d) noted the timescale for establishing and endowing the Rochester Riverside Trust and Community Interest Company;
- (e) delegate power to the Director of Regeneration, Community and Culture, in consultation with the Leader of the Council to:
 - (i) finalise the articles of incorporation based on the principles set out in the draft articles attached to the report and to do anything necessary in order to establish and register the Rochester Riverside Trust and the Community Interest Company (including registration of the Trust as a charity); and
 - (ii) recruit and appoint the external trustees.

(C) Queen Street Planning Obligations

Discussion:

The report sought approval that the Council undertakes, as landowner, to require as a condition of the land transfer that a developer enters into a Section 106 agreement securing the planning obligations agreed with and required by the Local Planning Authority.

Councillor Jarrett, supported by Councillor Diane Chambers, proposed the recommendation as set out in the report.

Decision:

The Council agreed to undertake, as landowner, to require as a condition of the land transfer that a developer enter into a Section 106 agreement securing the planning obligations, as set out in paragraph 2.3 of the report.

(D) Whistleblowing Policy

Discussion:

The report sought agreement to review and replace the Council's current Whistleblowing Policy.

Councillor Carr, supported by Councillor Andrews, proposed the recommendation as set out in the report.

Councillor Griffiths, supported by Councillor Maple, moved the following amendment:

That the whistleblowing policy be amended to include the recommendations agreed at the Audit Committee, as per section 2.4, that staff can contact members to discuss concerns when all other channels had been exhausted.

Council, 15 April 2010

In addition, the Chief Executive must contact Group Leaders when a whistleblowing complaint reaches that level, in order that members are briefed in advance of staff contacting the media with their concerns.

Therefore the new policy will read as follows, with the additions in italics:

14. Taking your concern further

If you have exhausted all these channels and you still have concerns, or feel that the issues have not been fully or appropriately addressed, you can contact the Chief Executive, or have him contacted on your behalf, to discuss your concerns in confidence. *At this point, you may also raise your concerns with elected members.*

15. Contacting the media

If a worker is considering contacting the press, they are strongly advised to seek guidance from professional or other representative bodies and to discuss the matter where possible with line and professional managers. If you decide to proceed with contacting the media, you must inform the Chief Executive of the action you have taken or are proposing to take *and the Chief Executive will brief Group Leaders on the matter.*

With the agreement of the meeting and Councillor Andrews, as supporter, Councillor Carr, in accordance with rule 10.4.2 of the Council Rules, agreed to alter the substantive motion to include this amendment.

Decision:

The Council agreed the Whistleblowing Policy as set out at Appendix 1 to the report, subject to the following amendments:

- (a) The following words being added to the end of the first paragraph of section 14, taking your concern further; "at this point, you may also raise your concerns with elected member".
- (b) The following words being added to the end of the first paragraph of section 15, contacting the media, "and the Chief executive will brief Group Leaders on the matter".

(E) Constitutional Matters

Discussion:

The report sought agreement to the number of independent members of the Standards Committee, to appoint new independent members of the Committee, to agree various changes to aspects of the Constitution relating to Licensing and to designate an officer of the Council as Medway's Scrutiny Officer.

Councillor Rodney Chambers, supported by Councillor Jarrett, proposed the recommendations as set out in the report at paragraph 7, subject to the changes within the addendum report, as set out at paragraph 2.

Council, 15 April 2010

Decision:

The Council agreed to:

- (a) appoint the following new independent Members of the Standards Committee for a four year term of office expiring in May 2014:
 - Christopher Sanford
 - Fatima Shah
 - Charles Thompson
- and that there should be six Independent Members of the Committee;
- (b) formally place on record its thanks to Mr Coulson and Mr Povey for their valued contribution to the work of the Committee since 2001;
 - (c) approve the revised Members' Licensing Code of Good Practice as set out at Appendix A to the report, to replace the existing code of good practice, as set out in Part 7 of Chapter 5 of the Council's constitution;
 - (d) approve the Licensing and Safety Committee's revised terms of reference, as set out in Appendix B to the report;
 - (e) approve the changes to the Employee Scheme of Delegation, relating to Licensing and safety activities, as set out in Appendix C to the report;
 - (f) designate the Assistant Director, Customer First, Leisure, Culture, Democracy and Governance as the Council's Scrutiny Officer under section 31 of the Local Democracy, Economic Development and Construction Act 2009.

(F) Establishment of Committees, Appointments and Schedule of Meetings 2010/2011

Discussion:

The report set out the position regarding the overall allocation of seats on committees and requested the Council to make recommendations to the Annual Meeting of the Council on 19 May 2010 regarding the committees and other bodies to be appointed for 2010/11 and a programme of meetings. The report also requested the Council to make recommendations to the Joint Meeting of Committees on 19 May 2010 in respect of the establishment and membership of sub-committees and task groups.

Councillor Kenneth Bamber, supported by Councillor Jarrett, proposed the recommendations as set out in the report, subject to the following amendments:

Council, 15 April 2010

- That Kent Community Housing Trust be removed from the list of outside bodies, as referred to at recommendation (iii) as the Council was no longer required to appoint Councillors to serve on that organisation, which was now called Avante;
- The Standards Committee meeting scheduled for 16 June 2010 be removed from the schedule of meetings referred to in recommendation (iv) as there is also a meeting scheduled for early July and the Committee has agreed that it does not need both.

Decision:

The Council agreed to recommend to Annual Council and the Joint Meeting of all Committees on 19 May 2010 as applicable:

- (a) the establishment of committees, sub-committees and task groups, their size and the allocation of seats to political groups as set out in paragraph 3.5 above and in Appendix A;
- (b) the establishment of an ad hoc Committee to consider the removal of Council appointed school governors as and when necessary and to waive political balance in respect of this Committee;
- (c) that appointments should be made to Joint Committees, outside bodies and other bodies as set out in Appendix B (with nominees to be reported at the Annual Council meeting) subject to Kent Community Housing Trust being removed from the list of outside bodies;
- (d) the timetable of meetings for the 2010/11 municipal year as set out in Appendix C to this report with the changes set out in paragraphs 4.2 and 4.3 of the report, subject to the Standards Committee scheduled for 16 June 2010 being removed.

(G) Annual Report of the Monitoring Officer

Discussion:

The report provided an update on Member conduct issues and the work of the Standards Committee and the Monitoring Officer for the period April 2009 to March 2010.

Councillor Rodney Chambers, supported by Councillor Jarrett proposed the recommendation as set out in the report.

Decision:

The Council considered and noted the Annual Report of the Monitoring Officer.

747 MOTIONS

(A) Councillor Maple has submitted the following:

Councillor Maple supported by Councillor Griffiths, proposed the following:

“This Council notes the high number of petitions being lodged with regard to reducing speed limits on roads across Medway.

This Council also notes the recent cross party move by Islington Council to introduce a blanket 20mph zone on all residential roads, without increasing the number of speed bumps, across the entire borough. This is also similar to the action previously taken by Portsmouth City Council across the vast majority of the city’s residential roads.

This Council therefore calls for a feasibility study to take place, including consultation with all relevant groups both locally and nationally, to consider whether a similar blanket 20mph zone for Medway’s residential roads is appropriate. The feasibility study should be completed no later than 31 December 2010.”

Councillor Filmer, supported by Councillor Jarrett, proposed an amendment that the motion be replaced with:

“This Council notes the high number of petitions being lodged with regard to reducing speed limits on roads across Medway.

This Council also notes the recent cross party move by Islington Council to introduce a blanket 20mph zone on all residential roads, without increasing the number of speed bumps, across the entire borough. This is also similar to the action previously taken by Portsmouth City Council across the vast majority of the city’s residential roads.

This Council recognises that Medway Council has recently took the decision to proceed with the Twydall Accessibility Scheme, which will create a 20mph zone in the area.

In light of the above, this Council believes that a period of assessment is needed to monitor the impact of the Twydall scheme. Once this has been completed a working group should be set up to evaluate this and to investigate other schemes introduced elsewhere so that the potential benefits and costs can be fully ascertained.”

On being put to the vote the amendment was carried and became the substantive motion.

On being put to the vote the new substantive motion was carried and agreed.

Decision:

This Council notes the high number of petitions being lodged with regard to reducing speed limits on roads across Medway.

This Council also notes the recent cross party move by Islington Council to introduce a blanket 20mph zone on all residential roads, without increasing the number of speed bumps, across the entire borough. This is also similar to the action previously taken by Portsmouth City Council across the vast majority of the city's residential roads.

This Council recognises that Medway Council has recently took the decision to proceed with the Twydall Accessibility Scheme, which will create a 20mph zone in the area.

In light of the above, this Council believes that a period of assessment is needed to monitor the impact of the Twydall scheme. Once this has been completed a working group should be set up to evaluate this and to investigate other schemes introduced elsewhere so that the potential benefits and costs can be fully ascertained.

748 REPORTS OF MATTERS FOR FULL COUNCIL

(A) Gateway 3 Contract Award: Household Waste Collection and Disposal Contracts

Discussion:

The report requested the Council to award the contracts for the Household Waste Collection and Disposal contracts.

An exempt appendix identified the tenderers for the contracts and provided details of the procurement and evaluation processes.

Councillor Jarrett, supported by Councillor Mason, proposed the recommendations as set out in the report, with the addition of the following recommendation:

“To authorise the Chief Finance Officer (who is the officer responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972) as the officer responsible for signing certificates issued under the Local Government (Contracts) Act 1997 in respect of the collection and disposal contracts to be entered into by the Council.”

Decision:

The Council agreed the following:

- (a) to award the contract for the disposal of residual waste to Veolia as the most economically advantageous tender (MEAT);

Council, 15 April 2010

- (b) to award the contract for the collection of residual waste and recycling and street cleansing service to Veolia as the most economically advantageous tender (MEAT);
- (c) to authorise the Chief Finance Officer (who is the officer responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972) as the officer responsible for signing certificates issued under the Local Government (Contracts) Act 1997 in respect of the collection and disposal contracts to be entered into by the Council.

Mayor

Date:

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